

# Senate Study Bill 1043 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON BOWMAN)

## A BILL FOR

1 An Act relating to the operation of railroad trains by a crew  
2 of two or more persons, providing penalties, and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 327F.33 Crew size — penalties.

1. A locomotive or railroad train operating upon a railroad track in connection with the movement of freight shall be operated by a crew consisting of at least two railroad employees. This section does not apply to the operation of a locomotive or railroad train in connection with a hostler service or utility service.

8       2. *a.* A railroad corporation found guilty of willfully  
9 violating subsection 1 shall, upon conviction, be subject to  
10 one of the following penalties:

11       (1) For a first offense, a schedule "three" penalty.

12       (2) For a second or subsequent offense, a schedule "five"  
13 penalty. A second offense under this section shall be a first  
14 violation for the purposes of calculating the schedule "five"  
15 penalty.

16       b. For the purposes of determining whether a conviction is  
17 a first, second, or subsequent offense, only offenses committed  
18 within the three years prior to the most recent offense shall  
19 be considered.

20       Sec. 2.  EFFECTIVE DATE.  This Act takes effect thirty days  
21 after enactment.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
24 the explanation's substance by the members of the general assembly.

25 This bill requires a locomotive or railroad train operating  
26 upon a railroad track in connection with the movement of  
27 freight to be operated by a crew consisting of at least two  
28 railroad employees. This requirement does not apply to the  
29 operation of a locomotive or railroad train in connection with  
30 a hostler service or utility service.

31 The bill provides that a railroad corporation found guilty  
32 of willfully violating this requirement shall be subject to  
33 a penalty of not less than \$500 and not more than \$1,000 for  
34 a first offense, not less than \$500 and not more than \$5,000  
35 for a second offense, and not less than \$5,000 and not more

S.F. \_\_\_\_\_

1 than \$10,000 for a subsequent offense. For the purposes  
2 of determining whether a conviction is a first, second, or  
3 subsequent offense, the bill provides that only offenses  
4 committed within the three years prior to the most recent  
5 offense shall be considered.

6 The bill takes effect 30 days after enactment.